

Leslie Bryan Hart, Esq. (SBN 4932)
Veronica A. Peterson, Esq. (SBN 13841)
FENNEMORE CRAIG, P.C.
300 E. Second St., Suite 1510
Reno, Nevada 89501
Tel: 775-788-2228 Fax: 775-788-2229
lhart@fclaw.com; vpeterson@fclaw.com

(Admitted *Pro Hac Vice* in *Attigui*)
Scott J. Fisher, Esq.
Karl R. Barnickol, Esq.
NEAL, GERBER & EISENBERG LLP
Two North LaSalle Street, Suite 1700
Chicago, IL 60602
Tel: 312-269-8047 Fax: 312-980-0878
kbarnickol@nge.com

Attorneys for Defendants Tahoe Resources, Inc., Elizabeth McGregor, Mark Sadler, Ronald W. Clayton, and C. Kevin McArthur

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

OUSSAMA ATTIGUI, individually and on behalf of those similarly situated,

CASE NO.: 2:17-cv-01868-RFB-NJK

**STIPULATION AND [PROPOSED]
ORDER TO CONSOLIDATE AND JOINT
NOTICE OF RELATED CASES**

TAHOE RESOURCES, INC.; ELIZABETH McGREGOR; MARK SADLER; RONALD W. CLAYTON; and C. KEVIN McARTHUR,

Defendants.

TYLER SANDERS, individually and on behalf of those similarly situated.

CASE NO.: 2:18-cv-01041-RFB-GWF

Plaintiff

VS.

TAHOE RESOURCES, INC.; ELIZABETH McGREGOR; MARK SADLER; RONALD W. CLAYTON; and C. KEVIN McARTHUR

Defendants

JOSE R. CABRERA JR., Individually and
On Behalf of All Others Similarly Situated,

Plaintiff,
vs.

TAHOE RESOURCES, INC.; ELIZABETH McGREGOR; MARK SADLER; RONALD W. CLAYTON; and C. KEVIN McARTHUR.

Defendants.

CASE NO.: 2:18-cv-00924-JCM-VCF

Proposed lead plaintiff Kevin Nguyen and defendants Tahoe Resources, Inc., Elizabeth McGregor, Mark Sadler, Ronald W. Clayton, and C. Kevin McArthur (together “Defendants”), by their undersigned counsel, hereby give joint notice of related cases pursuant to Local Rule 7-2.1 of this Court and stipulate to consolidation of these actions pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, and in support thereof, state as follows:

WHEREAS, on July 7, 2017, Oussama Attigui, individually and on behalf of all others similarly situated, filed a class action complaint captioned *Attigui v. Tahoe Resources, Inc., et al.*, No. 2:17-cv-01868-RFB-NJK, against Defendants alleging violations of the federal securities laws;

WHEREAS, on the same day, two other lawsuits alleging substantially similar claims were filed by other plaintiffs against the same Defendants in the United States District Courts for the Southern and Eastern Districts of New York:

- A. *Cabrera v. Tahoe Resources, Inc., et al.*, No. 1:17-cv-05155 (S.D.N.Y.), and
 - B. *Sanders v. Tahoe Resources, Inc., et al.*, No. 17-cv-04052 (E.D.N.Y.);

WHEREAS, subsequently, the *Cabrera* action and the *Sanders* action were transferred to this District on May 14, 2018 and June 6, 2018, respectively;

WHEREAS, proposed lead plaintiff Kevin Nguyen and the Defendants (together “Parties”) agree that the *Attigui*, *Cabrera*, and *Sanders* (“Related Tahoe Actions”) actions are substantially similar because each alleges claims for violations of §§10(b) and 20(a) of the Securities Exchange Act of 1934 (“Exchange Act”), 15 U.S.C. §§78j(b) and 78t(a), and

1 Securities and Exchange Commission Rule 10b-5 promulgated thereunder, 17 C.F.R. §240.10b-
 2 5, and are based upon similar factual allegations against the same Defendants;

3 WHEREAS, the Related Tahoe Actions are subject to the procedural requirements of the
 4 Private Securities Litigation Reform Act of 1995 (“PSLRA”), Pub. L. No. 104-67, 109 Stat. 737,
 5 15 U.S.C. §78u-4, which contemplates: (i) the consolidation of similar actions; and then (ii) the
 6 appointment of a lead plaintiff;

7 WHEREAS, the Parties agree that the Related Tahoe Actions should be consolidated
 8 under Fed. R. Civ. P. 42(a) because they involve common questions of law and fact;

9 WHEREAS, on September 5, 2017, a number of parties, including Mr. Nguyen, filed
 10 Motions for Appointment of Lead Plaintiff and Lead Counsel in the Related Tahoe Actions (*see,*
 11 *e.g.*, *Attigui*, ECF Nos. 6 and 8-10);

12 WHEREAS, all of the parties who filed such motions, except Mr. Nguyen, subsequently
 13 either withdrew their motions or filed notices of non-opposition to Mr. Nguyen’s Motion (*see,*
 14 *e.g.*, *Attigui*, ECF Nos. 18-20);

15 WHEREAS, Mr. Nguyen was appointed Lead Plaintiff in the *Cabrera* action on
 16 September 26, 2017 and in the *Attiqui* action on July 13, 2018, and his unopposed motion
 17 remains pending in the *Sanders* action;

18 WHEREAS, the Parties anticipate that, subject to court approval, Mr. Nguyen will be
 19 appointed Lead Plaintiff for the consolidated Related Tahoe Actions;

20 WHEREAS, Mr. Nguyen intends to file an amended consolidated complaint by August
 21 31, 2018;

22 WHEREAS, the Parties agree that Defendants’ deadline to respond to the Related Tahoe
 23 Actions should be extended until 60 days after a consolidated amended complaint is filed, as set
 24 forth below in the proposed schedule;

25 WHEREAS, the Parties anticipate that Defendants will move to dismiss the consolidated
 26 amended complaint;

27 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, that the Parties
 28 hereto respectfully request that the Court order as follows:

1 1. The following actions are related cases pursuant to Local Rule 7-2.1 of this Court
 2 and should be consolidated for all purposes including, but not limited to, discovery, pretrial
 3 proceedings and trial proceedings, pursuant to Rule 42(a) of the Federal Rules of Civil
 4 Procedure:

- 5 A. *Attigui v. Tahoe Resources, Inc., et al.*, No. 2:17-cv-01868-RFB-NJK,
 6 B. *Sanders v. Tahoe Resources, Inc., et al.*, No. 2:18-cv-01041-RFB-GWF, and
 7 C. *Cabrera v. Tahoe Resources, Inc., et al.*, No. 2:18-cv-00924-JCM-VCF;
 8 2. Following consolidation, the cases shall be titled *In re Tahoe Resources, Inc.*
 9 *Securities Litigation*, No. 2:17-cv-01868-RFB-NJK, and all filings shall be made in that docket;
- 10 3. The Parties shall proceed according to the schedule below:

Scheduled Event	Date
Lead Plaintiff to file a consolidated amended complaint	August 31, 2018
Defendants to file their motion to dismiss	60 days after Lead Plaintiff files a consolidated amended complaint
Lead Plaintiff to file their opposition to Defendants' motion to dismiss	60 days after Defendants file their motion to dismiss
Defendants to file their reply in support of their motion to dismiss	30 days after Lead Plaintiff files their opposition to Defendants' motion to dismiss

17 IT IS SO STIPULATED.

18 DATED: July 13, 2018

19 Respectfully submitted,

20 **FENNEMORE CRAIG, P.C.**

21 By: /s/ Leslie Bryan Hart
 22 Leslie Bryan Hart, Esq. (SBN 4932)
 23 Veronica A. Peterson, Esq. (SBN 13841)
 24 300 E. Second St., Suite 1510
 Reno, Nevada 89501
 Tel: 775-788-2228 Fax: 775-788-2229
lhart@fclaw.com
vpeterson@fclaw.com

25 **MUCKLEROY LUNT, LLC**

26 By: /s/ Martin A. Muckleroy
 27 Martin A. Muckleroy, Esq. (SBN 9634)
 28 6077 S. Fort Apache Rd., Suite 140
 Las Vegas, NV 89148
 Tel: 702-907-0097 Fax: 702-938-4065
martin@muckleroylunt.com

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1 **NEAL, GERBER & EISENBERG LLP**
2 (Admitted *Pro Hac Vice* in *Attigui*)
3 Scott J. Fisher, Esq.
4 Karl R. Barnickol, Esq.

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7 *Attorneys for Defendants Tahoe Resources,*
8 *Inc., Elizabeth McGregor, Mark Sadler,*
9 *Ronald W. Clayton, and C. Kevin McArthur*

10 **FARUQI & FARUQI LLP**
11 (Admitted *Pro Hac Vice*)
12 Richard W. Gonnello, Esq.

13 *Attorneys for [proposed] Lead Plaintiff Kevin*
14 *Nguyen*

15 **ORDER**

16 IT IS SO ORDERED.

17 THE HONORABLE RICHARD F. BOULWARE II
18 UNITED STATES DISTRICT JUDGE

19 DATED: _____

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